THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24889 OF 2005

DATED:22.11.2005

Between:

L. Venkata Rao

…Petitioner

And

The District Collector, Visakhapatnam District

at Visakhapatnam, and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24889 OF 2005

ORDER:

The petitioner is an Ex-serviceman. As such, he was assigned an extent of Acs.5.00 of agricultural dry land in S.No.296/5 (new S.No.296/7) of Madhurawada Village, Visakhapatnam District. By reason of D-form patta issued by the then Tahsildar on 1.6.1979 by proceedings dt.23.2.1990 the Mandal Revenue Officer purporting to exercise power under Board Standing Order 15(12)(3), cancelled the assignment and ordered resumption of the land on the ground that the assignee, petitioner herein, did not bring the land into cultivation and kept the and vacant. Aggrieved by the same, petitioner preferred an appeal before the jurisdictional Revenue Divisional

Officer – second respondent herein, and the appeal is still is pending. It is alleged that no notice was served on the petitioner and when he enquired, the petitioner came to know that a show cause notice was allegedly issued to the petitioner on 12.12.1990 by affixing the same in assigned land, but no such notice was served on the petitioner. Therefore, along with appeal, the petitioner filed an application for suspension and no orders are passed thereon. Therefore, present Writ Petition is filed.

The learned counsel for the petitioner raised various submissions in challenge to the impugned order of the Mandal Revenue Officer. However, as the appeal preferred by the petitioner before the Revenue Divisional Officer is pending, it would not be proper for this Court to express any opinion on the merits of the case. As there is categorical assertion made by the petitioner that he is still in possession and no notice was issued to him, it would be proper to order status quo as on today regarding possession. There shall be an order accordingly, and a further direction shall issue to the Revenue Divisional Officer to dispose of the appeal filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

22.11.2005 (V.V.S.RAO, J)

Note:Operative portion of the order may

be communicated by WIRE at

party's cost.

(B.O)

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